

Remarks

This paper is filed in response to the office action of April 3, 2008. After amendment, claims 55-69 and 71-91 are pending in the present application. Claims 1-54 and 70 were previously canceled. Claims 90 and 91 are new. The claims which are presented in this response are identical to proposed claims which were sent previously to the Examiner. Note that the claims have been amended to address the Examiner's objection and to distinguish the art of record. Note that any subject matter deleted from the claims which is not anticipated by the art of record is cancelled *without prejudice* herein in order to advance prosecution in this application, seek expedited allowance and give Applicants a chance to file a subsequent application (divisional) directed to such subject matter, if advisable. Support for the amendment to the claims can be found throughout the originally filed application and claims.

The Examiner has rejected the previously filed claims under 35 U.S.C. §102. Note that no other rejection is made in the office action of April 3, 2008 and the previously made rejections/objections have all been withdrawn. Applicants shall address the remaining rejection hereinbelow.

The §102(b) Rejections

The Examiner has rejected previously pending claims 64-66, 80-82 and 88-89 as being anticipated by Haraguchi, et al., *J. Org. Chem.*, 1996, vol. 61, pp. 851-858 ("Haraguchi"). In particular, Haraguchi discloses a cytidine analog (compound 26 on page 854) wherein B is cytosine, R¹ is an acyl group, R is H, R² is an acyl group R³ is CH₂CH=CH₂ (Y is H, n is 1) and R^{3a} and R^{3b} are H. Haraguchi also discloses the compound for use in the treatment of HIV.

Inasmuch as Applicants have amended the pending claims so that they do not claim the compounds which are disclosed by Haraguchi, it is respectfully submitted that the rejection by the Examiner has now been rendered moot in the present application.

It is respectfully submitted that the presently pending claims are now in compliance with the requirements of 35 U.S.C.

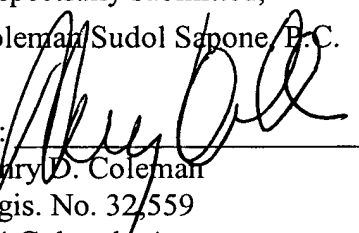
For the above reasons, Applicants respectfully assert that the claims set forth in the

amendment to the application of the present invention are now in compliance with 35 U.S.C. Applicants respectfully submit that the present application is now in condition for allowance and such action is earnestly solicited. Applicants have added two dependent claims (claims 90 and 92), and cancelled numerous dependent claims in previous office actions (the present application is an RCE application). No fee is due therefore for the presentation of this amendment. If any fee is determined to be due or any overpayment has been made, the Commissioner is cordially requested to charge or credit Deposit Account No. 04-0838.

Should the Examiner feel the need to discuss the instant application in order to expedite allowance, the Examiner is cordially requested to telephone the undersigned attorney at the indicated telephone number.

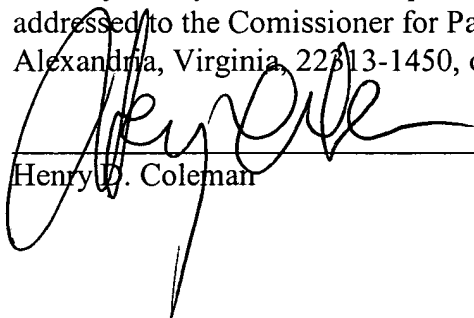
Dated: 7-18-07

Respectfully submitted,
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being sent by first class mail in an envelope addressed to the Commissioner for Patents, United States Patent and Trademark Office, Alexandria, Virginia, 22313-1450, on July 18, 2008.


Henry D. Coleman